

HOUSE BILL No. 1885

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-24-18-12; IC 35-46-1-10.5.

Synopsis: Driver's license suspension for minors who smoke. Permits a court to order a one year suspension of the driver's license or six month delay in the issuance of the driver's license or learner's permit of a minor who violates tobacco laws.

Effective: July 1, 2003.

Stutzman, Thompson, Whetstone

January 23, 2003, read first time and referred to Committee on Roads and Transportation.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1885

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-24-18-12 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. Upon receipt of a
3 court order under:

4 (1) IC 7.1-5-7-7 (minor possessing, consuming, or transporting
5 alcohol or having alcohol present in a bodily substance); **or**

6 (2) **IC 35-46-1-10.5 (tobacco violations);**

7 the bureau shall suspend the minor's driver's license for the period
8 ordered by the court.

9 SECTION 2. IC 35-46-1-10.5 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10.5. (a) A person less
11 than eighteen (18) years of age who:

12 (1) purchases tobacco;

13 (2) accepts tobacco for personal use; or

14 (3) possesses tobacco on his **or her** person;

15 commits a Class C infraction.

16 (b) It is a defense under subsection (a) that the accused person acted
17 in the ordinary course of employment in a business concerning tobacco:

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- (1) agriculture;
- (2) processing;
- (3) transporting;
- (4) wholesaling; or
- (5) retailing.

(c) After June 30, 2003, if a person:

- (1) less than eighteen (18) years of age; and**
- (2) born after June 30, 1987;**

violates subsection (a), the court that enters the judgment for the infraction under subsection (a) may issue an order recommending that the person's driver's license be suspended for up to one (1) year.

(d) The court shall deliver an order recommending the suspension of the person's driver's license under subsection (c) to the bureau of motor vehicles. The bureau shall suspend the person's driver's license under IC 9-24-18-12 for the period ordered by the court.

(e) If a person receives a judgment for an infraction described in subsection (a) and the person does not hold a driver's license, the court may issue an order recommending that the person may not receive a driver's license from the bureau of motor vehicles until six (6) months after the earliest date the person would otherwise be eligible to receive a driver's license from the bureau of motor vehicles. The bureau may not issue a driver's license to the person until the date specified in the court's order.

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